

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

TERRY W. STEWART, #17057-075

PETITIONER

VERSUS

CIVIL ACTION NO. 5:13-cv-4-DCB-MTP

MARCUS MARTIN, Warden

RESPONDENT

ORDER

Before the Court is the Petitioner's motion for certificate of appealability [8]. On February 25, 2013, this Court entered a Memorandum Opinion and Order [5] and Final Judgment [6] dismissing the instant petition for habeas relief pursuant to 28 U.S.C. § 2241. Petitioner, a federal inmate, filed his Notice of Appeal [7] on March 20, 2013, along with the instant motion for certificate of appealability [8]. Having reviewed the motion [8] as well as the record, this Court finds that the instant request for a certificate of appealability will be denied because it is not required when a federal prisoner is appealing a § 2241 habeas petition. *See Ojo v. INS*, 106 F.3d 680, 681 (5<sup>th</sup> Cir. 1997).

Based on the foregoing, the motion for certificate of appealability [8] is **denied**.

THIS, the 26th day of March, 2013.

s/David Bramlette

UNITED STATES DISTRICT JUDGE